

## Message Text

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ORIGIN L-03

INFO OCT-01 NEA-10 ISO-00 EB-08 JUSE-00 /022 R

DRAFTED BY L/NEA:WSRHODES:MJR

APPROVED BY L/NEA:DHSMALL

NEA/IRN - MR. BEALES

L/EB - MR. BENSON

DOJ - MR. KEENEY

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R 272007Z APR 77

FM SECSTATE WASHDC

TO AMEMBASSY TEHRAN

C O N F I D E N T I A L STATE 094856

E.O. 11652: GDS

TAGS: PFOR, IR

SUBJECT: GOI RE BILATERAL AGREEMENT ON BRIBERY

REF: (A) TEHRAN 3468 (B) STATE 86827 (C) STATE 33554

1. DEPARTMENT OF JUSTICE (DOJ) CAN PROCEED EXPEDITIOUSLY ON BILATERAL BRIBERY AGREEMENT ONLY IF AGREEMENT IS FOR MUTUAL ASSISTANCE WITH RESPECT TO A SPECIFIC INVESTIGATION IN WHICH DOJ IS CURRENTLY INVOLVED (E.G. BOEING, LOCKHEED). IF GOI WISHES TO PROCEED QUICKLY, FORMAT OF THE AGREEMENT SHOULD BE SIMILAR TO THAT ALREADY UTILIZED IN THE 14 EXISTING BILATERAL AGREEMENTS PROVIDING FOR MUTUAL ASSISTANCE WITH REFERENCE TO INVESTIGATION OF ALLEGED IMPROPER PAYMENTS BY A SPECIFIC COMPANY.

2. NONETHELESS, AS NOTED REFTTEL (B), SOME BILATERAL MUTUAL ASSISTANCE AGREEMENTS HAVE PROVIDED FOR AN EXTENSION OF THEIR TERMS TO INVESTIGATIONS NOT YET IN EXISTENCE AT THE  
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TIME OF CONCLUSION OF ORIGINAL AGREEMENT. FOR EXAMPLE, THE AGREEMENT BETWEEN DOJ AND THE FEDERAL MINISTER OF JUSTICE OF THE FEDERAL REPUBLIC OF GERMANY (SEPTEMBER 24, 1976) WITH RESPECT TO THE LOCKHEED MATTER INCLUDES AN AGREED MINUTE WHICH READS: "AN EXTENSION OF THE AGREEMENT TO SIMILAR CASES WHERE INVESTIGATIONS ARE CONDUCTED OR CONTEMPLATED BY BOTH THE UNITED STATES DEPARTMENT OF JUSTICE

AND BY A COMPETENT AUTHORITY OF THE FEDERAL REPUBLIC OF GERMANY COULD BE ACCOMPLISHED BY AN EXCHANGE OF LETTERS BETWEEN THE PARTIES." A SIMILAR CLAUSE COULD BE NEGOTIATED WITH GOI COUNTERPART LAW ENFORCEMENT AGENCY IF DESIRED, AND IN EFFECT THIS WOULD PROVIDE A MORE GENERAL AGREEMENT.

3. SAMPLE TEXT OF AGREEMENT CONTAINED IN REFTEL (C) (JAPAN/LOCKHEED) EMBODIES THE ESSENTIALS OF THE KIND OF AGREEMENT DOJ WOULD EXPECT TO NEGOTIATE WITH GOI REPRESENTATIVES IN WASHINGTON, AND MAY BE USED AS A DRAFT TEXT. ALL 14 EXISTING AGREEMENTS ARE IN THIS BASIC FORMAT, THOUGH EACH IS TAILORED TO MEET THE REQUIREMENTS OF THE SPECIFIC CASE AND COUNTRY INVOLVED. DOJ WILL CONSIDER ANY SUGGESTIONS FOR ADDITIONS OR CHANGES GOI BELIEVES NECESSARY TO ACCOMPLISH MUTUAL OBJECTIVES AND BELIEVES SATISFACTORY FINAL TEXT CAN BE WORKED OUT IN COURSE OF WASHINGTON MEETING UNLESS SPECIAL PROBLEMS ARISE.

4. RE COMMENT REFTEL (A), DOJ PROPOSED AGREEMENT DOES NOT PRESUPPOSE AN EXISTING FORMAL INVESTIGATION OF A SPECIFIC COMPANY IN IRAN. ON OCCASION THESE AGREEMENTS HAVE BEEN CONCLUDED WITH COUNTRIES IN WHICH NO ACTIVE INVESTIGATION HAD YET BEEN INITIATED. DOJ BELIEVES THAT IT HAS NO AUTHORITY TO PROVIDE INFORMATION FROM ITS INVESTIGATIVE FILES, SOME OF WHICH MAY BE CONFIDENTIAL, UNLESS AN APPROPRIATE INQUIRY INTO THE SAME MATTER IS BEING SERIOUSLY CONTEMPLATED BY ITS COUNTERPART LAW ENFORCEMENT AGENCY. DOJ DOES REQUIRE AT LEAST THE INTENT TO CONDUCT SUCH AN INQUIRY

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SHOULD THERE BE INFORMATION ADEQUATE TO SUPPORT IT, THOUGH IT IS AWARE OF THE POSSIBILITY THAT ITS COUNTERPART AGENCY MAY DETERMINE THAT IT DOES NOT HAVE SUFFICIENT INFORMATION TO OPEN A FULL INVESTIGATION.

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## Message Attributes

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**Review Markings:**  
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